THE HONOUABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.9780 of 2005

Between:

P.A.Rahiman. ..
PETITIONER

and

The Joint Collector and others.

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RESPONDENTS

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ORDER:

This writ petition is filed seeking Writ of Mandamus declaring

the action of the first respondent in dismissing the appeal without looking into the records and evidence produced by the petitioner vide proceedings No.CS3/157/2005, dated 12-04-2005, upholding the proceedings Rc.M.1493/2004, dated 07-02-2005, of the second respondent as illegal, arbitrary and against the provisions of the control order and violative of principles of natural justice.

It seems that the fair-price shop dealership authorisation was allotted to the petitioner and he is supplying commodities for the last fifteen years. While so, the Revenue Divisional Officer, Adoni, passed an order on 07-02-2005 suspending the authorization of the petitioner's fair price shop on the ground that the fair-shop is not being maintained by himself and his wife is maintaining the shop and he never sat in the fair-price shop and distributing less quantity of PDS rice etc. After conducting a detailed enquiry, the Revenue Divisional Officer found that the petitioner has committed irregularities in distributing the PDS rice etc. Therefore, the Revenue Divisional Officer has suspended the fair-price shop dealership authorization of the petitioner as a measure of punishment. Aggrieved by the same, the petitioner filed an appeal before the Joint Collector, Kurnool. The Joint Collector, Kurnool, has upheld the orders passed by the Revenue Divisional Officer.

There is no dispute with regard to the orders passed by the authorities. The only question that arises for consideration is whether when the authorization is suspended as a measure of punishment, the authorities are supposed to indicate the period of suspension. As seen from the record, there is no such indication in the order passed by the Revenue Divisional officer as upheld by the Joint Collector. In this regard, there is no necessity of referring to any case laws. It is well settled principle that when suspension is ordered as a measure of punishment, the authorities are supposed to indicate the period of

suspension. In this case, admittedly, the period of suspension is not indicated.

The impugned order was passed on 07-02-2005 and it attained finality on 12-04-2005. No stay is granted by this court. Thus, from 07-02-2005 till date, the authorization of the petitioner was under suspension. Generally speaking, the matter has to be remitted to the authority for the purpose of deciding the period of suspension. Since the dealership of the petitioner was suspended for more than one and half year, I am of the opinion that the authorities shall restore the authorization of the petitioner without any further delay unless and until there are any legal hurdles in their way.

Accordingly, the writ petition is disposed of. No order as to costs.

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06-06-2006

Prv